



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

FEB 6 1996

Honorable Suellen K. Reed
Superintendent of Public Instruction
State Department of Education
State House, Room 229
Indianapolis, Indiana 46204-2798

Dear Dr. Reed:

During the week of September 18, 1995, the Office of Special Education Programs (OSEP), United States Department of Education, conducted an on-site review of the Indiana Department of Education's (IDE) implementation of Part B of the Individuals with Disabilities Education Act (Part B). The purpose of the review was to determine whether IDE is meeting its responsibility to ensure that its educational programs for children with disabilities are administered in a manner consistent with the requirements of Part B. Enclosure A to this letter describes OSEP's monitoring methodology and corrective action procedures; Enclosure B lists several commendable initiatives; and our findings are in Enclosure C.

Our review revealed that the actions IDE took in response to OSEP's prior monitoring report of February 1992 seem to have been effective in resolving at least two problems identified in that report. During the current review we found no deficiencies in the areas of due process hearings and the investigation of complaints -- areas where IDE took corrective action subsequent to our 1992 report. OSEP monitors noted that due process hearings and complaint investigations rarely exceeded established timelines, and that the resolution in these processes was consistent with Federal and State guidelines.

We also saw noteworthy IDE initiatives for providing special education services to students with disabilities. Several of these initiatives are discussed in Enclosure B. In addition, OSEP would like to acknowledge IDE's leadership, as part of Indiana's overall education reform activities, in promoting collaborative planning and program development between education and other services providers within the State. One activity that exemplifies this collaborative approach is a project entitled ATTAIN: Working to Create System Change, which established regional assistive technology assessment teams, to assist LEAs to access difficult to obtain services and personnel for students with disabilities and their families. Services such as assistive technology devices, funded through Vocational Rehabilitation Services, and alternative communication devices and services, funded through Medicaid, are available as a result of the collaborative efforts of this project.

OSEP's monitoring places a strong emphasis on those requirements most closely associated with positive results for students with disabilities. Our monitoring revealed that IDE has failed to ensure the correction of deficiencies identified through its monitoring system, the effective provision of related services, the provision of services in the least restrictive environment, and the provision of services to eligible persons with disabilities in adult correctional facilities. In addition, problems were noted in regard to timeliness of preplacement and triennial evaluations and extended school year services. Further, OSEP noted continued problems with the manner in which individualized education programs (IEP) are developed, including the content required in an IEP to address the student's need for transition services, and the content of notices used to inform the participants of IEP meetings that the purpose of the meeting is to determine needed transition services.

The preliminary findings of the monitoring team were discussed with Mr. Robert Marra, Mr. Paul Ash, Dr. Marcella Taylor, and Dr. Robert Dalton, and staff members of the Special Education Section at an exit conference held at the conclusion of OSEP's on-site visit. At that time IDE was invited to provide any additional information it wanted OSEP to consider during the development of OSEP's monitoring report. No additional information was submitted; therefore, the findings presented in Enclosure C are final.

In the event IDE, after consideration of the data in this letter and its enclosures, concludes that evidence of noncompliance is significantly inaccurate and that one or more findings is incorrect, IDE may request reconsideration of the finding. In such a case, IDE must submit reasons for its reconsideration request and any supporting documentation within 15 days of receiving this letter. OSEP will review the request and, where appropriate, will issue a letter of response informing IDE that the finding has been revised or withdrawn. Requests for reconsideration of a finding will not delay Corrective Action Plan development and implementation timelines for findings not part of the reconsideration request.

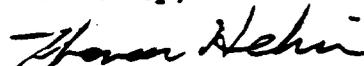
I thank you for the assistance and cooperation provided during our review. Throughout the course of the monitoring process, Mr. Marra, Mr. Ash, and staff members of the Division of Special Education were responsive to OSEP's requests for information, and provided access to necessary documentation that enabled OSEP staff to acquire an understanding of Indiana's various systems to implement Part B.

Members of OSEP's staff are available to provide technical assistance during any phase of the development and implementation of IDE's corrective actions. Please let me know if we can be of assistance.

Page 3 - Honorable Suellen K. Reed

Before the enactment of the Individuals with Disabilities Education Act (IDEA), one million children with disabilities were excluded from school altogether, and another 3.5 million did not receive appropriate programs within the public schools. Because of the IDEA and the joint actions of schools, school districts, State educational agencies and the Department, more than 5.4 million children with disabilities are in school. Thank you for your continued efforts toward the goal of improving education programs for children and youth with disabilities in Indiana.

Sincerely,



Thomas Hehir
Director
Office of Special Education
Programs

Enclosures

cc: Mr. Robert Marra

ENCLOSURE A

OSEP's Monitoring Methodology

Pre-site Preparation: OSEP staff began its review of documents related to IDE's special education program in June 1995. The review included, but was not limited to, IDE's State Plan, State regulations, interagency agreements and other materials that must comply with the requirements of Part B, such as the complaint management, due process hearings, and State monitoring systems. OSEP also reviewed IDE's placement data based on the December 1, 1993 child count.

Involvement of Parents and Advocates: During the week of June 5, 1995, OSEP held three public meetings in Seymour, South Bend, and Indianapolis. The purpose of these public meetings was to solicit comments from parents, advocacy groups, teachers, administrators and other interested citizens regarding their perceptions of IDE's compliance with Part B. The information obtained from the public meetings, as well as from interviews with State officials and a review of State documents assisted OSEP in: (1) identifying the issues faced by consumers and others interested in special education in Indiana; (2) selecting monitoring issues (e.g., the provision of related services) to be emphasized while on-site; and (3) selecting the sites to be monitored.

During the on-site visit, OSEP conducted one parent focus group meeting in the Evansville-Vanderburgh-Posey Education Cooperative in order to hear parents' impressions of special education services provided to their children. This meeting provided OSEP staff with parent views of the methods used by the agency in providing a free appropriate public education to their children, as well as the challenges faced by the district in this endeavor.

On-site Data Collection and Findings The OSEP team included Carolyn Smith, the OSEP Team Leader, who spent the week in the capitol interviewing State education agency staff and reviewing relevant documents. Delores Barber, Nell Eano, and Larry Wexler visited three elementary schools, one school for kindergarten through the eighth grade, four intermediate schools, three high schools, and one special school in seven public agencies. Where appropriate, OSEP has included in this letter data collected from those agencies to support or clarify the OSEP findings regarding the sufficiency and effectiveness of IDE's systems for ensuring compliance with the requirements of Part B. The agency in which the supporting or clarifying data were collected is indicated by a designation such as "Agency A." The agencies that OSEP visited

and the designation used to identify those agencies in Enclosure C of this letter are set forth below:

Agency A: Posey County Special Services Cooperative
Agency B: Evansville-Vanderburgh Community Schools
Agency C: Green-Sullivan Special Education Cooperative
Agency D: Indianapolis Public Schools
Agency E: Porter County Special Education Interlocal
Agency F: South Bend Community School Cooperation
Agency G: Northeast Indiana Special Education Cooperative

CORRECTIVE ACTION PROCEDURES

In the interest of developing a mutually agreeable corrective action plan specifically designed to address these findings, OSEP proposes that IDE representatives discuss with OSEP staff, either in a meeting or telephone conference, the areas of noncompliance identified, the most effective methods for bringing about compliance and improving programs for children with disabilities in the State, and specific corrective actions. We also will invite a representative from Indiana's Special Education Advisory Council to participate in that discussion. IDE's corrective action plan must be developed within 45 days of receipt of this letter. Should we fail to reach agreement within this 45 day period, OSEP will be obliged to develop the corrective action plan.

In order to begin immediate correction of deficient practices IDE must undertake the following general corrective actions:

1. IDE must issue a memorandum to all agencies advising them of OSEP's findings of deficiency. The memorandum must direct agencies to review their respective practices in regard to each of the deficiencies identified by OSEP in order to determine if they have proceeded in a manner similar to the agencies for which OSEP found deficiencies. Should these agencies determine that their current practice is inconsistent with the requirements identified in IDE's memorandum, they must discontinue the current practice and implement procedures that are consistent with Part B. This memorandum must be submitted to OSEP within 30 days of the issuance of this letter. Within 15 days of OSEP's approval of the memorandum, it must be issued to all agencies throughout the State providing special education or related services to students with disabilities.

2. IDE must issue a memorandum to those agencies in which OSEP found deficient practices, as identified in Enclosure C of this letter, requiring those agencies to immediately discontinue the deficient practice(s) and submit documentation to IDE that the changes necessary to comply with Part B requirements have been implemented. This memorandum must be submitted to OSEP

within 30 days of the issuance of the this letter. Within 15 days of OSEP's approval of the memorandum, it must be issued to those public agencies in which OSEP found deficient practices. IDE must send to OSEP verification that all corrective actions have been completed by these public agencies.

ENCLOSURE B

COMMENDABLE INITIATIVES

The following are commendable IDE initiatives that were identified by OSEP during the on-site review.

1. **Bringing Hoosier Children Home.** This is a State initiative to serve students with severe needs. These students were once routinely sent to out-of-state placements but are now being served in programs within Indiana, and where possible, in their home communities. Through a process known as "wrap-around services," special education, specific related services, and familial and social services are collaboratively planned and provided at no cost to parents. In a typical wrap-around effort, the school may provide the special education and related services, the State's mental health agency might provide for residential and respite services, and medical services might be provided through the auspices of a state-approved Medicaid provider. As a result of this collaborative effort, nearly 80% of the students that, three years ago, had been served in out-of-state placements, are now being served in their local communities.
2. **STEP AHEAD: Indiana Collaboration Project.** This project provides an effective way of channeling state, local and community resources to obtain appropriate programs and services to children with disabilities and their families. Eight state agencies, including the State Budget Agency, Department of Corrections, Family and Social Services Administration, and Department of Health, in conjunction with the Department of Education, have developed a consolidated state plan to assess and prioritize the needs and services to be provided to children with disabilities and their families. Based upon this assessment, agency resources are mobilized to inform families of services they might be eligible for and to collaboratively manage the delivery of those services.
3. **Special Education Communication Network (SECN).** This is an electronic network that incorporates electronic mail, access to INTERNET information and communication networks, access to databases and word processing, and electronic document retrieval. All State special education staff, local directors of special education, universities, and significant organizations in the special education community are connected to this system. This system has provided for immediate communication with parents and professionals to resolve issues and has assured a well-informed interactive special education community.
4. **Interactive and Video Personnel Development.** Through this project, IDE continues to provide training to special educators, administrators, university staff, students, and parents utilizing interactive video and broadcast. Over 200 video tape copies of broadcasts or videos have been disseminated on topics such as due process, inclusion, case conference committee procedures, and writing effective IEPs.
5. **SEAS CABLE: Supporting Special Education Administrators in Seeking Solutions,** as proven to be an effective way of clarifying Federal and State policy issues, announcing upcoming events, and for sharing information about colleagues. These activities have helped to create a positive collegial relationship between IDE, LEA staff, and parents for improving services to children with disabilities.
6. **Mediation Project** has helped to resolve parent-school differences identified in case conferences. The mediators are trained twice a year, and are available free of charge. Of 67 mediation conferences conducted, 42 (62%) of those conferences resulted in a resolution that did not necessitate a due process hearing.

ENCLOSURE C

FINDINGS AND EXPECTED RESULTS/ACTION REQUIRED

FEDERAL REQUIREMENT	OSEP FINDING	EXPECTED RESULTS/ ACTION REQUIRED/ TIMELINES
<p>1. MONITORING: CORRECTION OF IDENTIFIED DEFICIENCIES 20 U.S.C. §1252d(b)(3)(E). See also 34 CFR §89.48.</p> <p>[IDE is responsible for the adoption and use of proper methods to monitor public agencies responsible for carrying out educational programs for students with disabilities, and for adoption and use of effective methods for the correction of deficiencies identified through monitoring.]</p>	<p>OSEP found the corrective actions required by IDE did not always result in the correction of identified deficiencies in the public agencies.</p> <p>Background. IDE utilizes a five-year monitoring cycle. Prior to its on-site investigation, IDE monitoring staff reviews the selected district's comprehensive plan and reviews a random sample of IEPs by each disability, placement option, and age. While on-site, IDE monitors interview administrators, teachers, related services personnel, and parents on student specific issues identified as a result of student record reviews. A draft report is formulated within 15 days of the on-site visit. The district is then given 15 days to respond to the content of the report. IDE then approves or rejects the district's response, and allows the district 15 days to develop a corrective action plan. A meeting with the special education director of the district is held within 15 days of IDE's approval of the corrective action plan, at which time a final report is issued. IDE's procedure then requires that staff monitor the implementation of the corrective action plan.</p> <p>Finding. OSEP reviewed the monitoring documents maintained by IDE and interviewed IDE's monitoring staff. OSEP noted in monitoring documents maintained by IDE that it had not ensured that subsequent to districts being monitored, the necessary actions to correct identified deficiencies were implemented by public agencies, nor had IDE ensured that noncompliant practices were discontinued. As discussed further in this Report, OSEP found similar deficiencies in public agencies that IDE had monitored, identified deficiencies, and subsequently verified that corrective actions had occurred. In addition, some deficiencies in agencies monitored by OSEP during its 1992 monitoring visit reappear in this Report. IDE had previously provided written assurances and documentation that deficiencies identified by OSEP in these agencies had been corrected.</p>	<p>IDE will demonstrate that its procedures have ensured that deficiencies identified through its monitoring are corrected by public agencies.</p>

FEDERAL REQUIREMENT	OSEP FINDING	EXPECTED RESULTS/ ACTION REQUIRED/ TIMELINES
<p>11. FREE APPROPRIATE PUBLIC EDUCATION: RELATED SERVICES §§300.300, 300.8(d), and 300.16</p> <p>(A free appropriate public education must be made available to all children with disabilities. IDE must ensure that each student with a disability receives the kind and amount of related services that are required to assist the student to benefit from special education.)</p>	<p><u>Related Services</u></p> <p>IDE has not fully ensured that public agencies provide special education and related services based on the student's unique needs as specified by an IEP. Administrators, teachers, and related service providers from agencies B, C, and D stated that mental health services (e.g., psychological counseling) is not provided based on student need. In addition, in agency C, physical therapy and occupational therapy are not provided based on student need.</p> <p>Agency personnel in agencies B, C, and D reported that as a result of personnel shortages, limits were placed on the amount of psychological counseling available for provision to students, regardless of individual student need. Districts addressed the need for counseling through two different approaches. In one approach, psychological counseling was provided through contracted services that placed a ceiling on the amount of service that could be provided to individual students. As a result of this limited service availability the IEP teams were prevented from making individual determinations as to the amount of psychological counseling students required. The second method for providing psychological counseling was to refer parents to community mental health agencies. The administrators and teachers reported that when parents and students are referred to the community mental health agency the student's IEP does not reflect the need for these services and is not revised once the services are obtained. In addition, these services were frequently provided only if the parents were covered by public or private health insurance or if the parents were themselves willing to fund the service. Once the parents were referred to the community mental health agency the local education agency did not ensure that psychological counseling services that students required in order to benefit from special education were provided at no cost to the parent. IDE had identified deficiencies regarding these requirements in agency C when it last monitored that public agency.</p> <p>A physical therapist in agency C reported that physical therapy services are provided to the student based upon the availability of the therapist, and therefore the services are not provided as indicated by the student's IEP. The therapist and an agency administrator, who confirmed that there is a shortage of physical therapists and counselors at the school, also stated that students referred for occupational therapy services after February did not receive services until the next school year regardless of their individual needs. IDE had identified deficiencies regarding this requirement in agency C when it last monitored that public agency.</p>	<p>IDE must demonstrate that its procedures have ensured that students with disabilities will be provided related services, such as psychological counseling, physical therapy, occupational therapy and speech therapy commensurate with their unique needs as specified by an IEP.</p>

FEDERAL REQUIREMENT	OSEP FINDING	EXPECTED RESULTS/ ACTION REQUIRED/ TIMELINES
<p>11. FREE APPROPRIATE PUBLIC EDUCATION: EXTENDED SCHOOL YEAR SERVICES (300.300)</p> <p>(IDE is responsible for ensuring that the need for extended school year services is considered for all children with disabilities and those services are provided, if necessary, to ensure the child receives a free appropriate public education.)</p>	<p><u>Extended School Year Services</u></p> <p>IDE has not fully ensured that public agencies consider the need for extended school year services for all children with disabilities and provide those services, if necessary, to ensure children receive a free appropriate public education. OSEP monitors found that in agencies C and D the case conference committee did not consistently consider or document the need for extended school year services.</p> <p>Administrators, teachers, and related service providers who serve on the case conference committee teams in agencies C and D reported that extended school year services are not considered or provided. None of the student records from the previous school year that OSEP reviewed in Agency D indicated that ESY services were considered as a program option by the case conference committees. The agency D administrator responsible for special education confirmed that the need for extended school year services had never been considered during IEP meetings, but indicated that extended school year was added as a program option on the IEP format this school year. Agency C personnel reported that extended school year services were neither considered nor provided.</p>	<p>IDE must demonstrate that its procedures have ensured that students with disabilities receive an extended school year, if necessary, to ensure that the student receives free appropriate public education.</p>

FEDERAL REQUIREMENT	OSEP FINDING	EXPECTED RESULTS/ ACTION REQUIRED/ TIMELINES
<p>II. FREE APPROPRIATE PUBLIC EDUCATION: PREPLACEMENT EVALUATION §§300.300, 300.8(b), and 300.600(e)(2)(ii).</p> <p>(IDE is responsible for ensuring that all children with disabilities are provided a free appropriate public education that meets the standards of the State Educational Agency, which require public agencies to conduct a full and individual evaluation within 40 instructional days from receipt of the parents' consent to evaluate.)</p>	<p><u>Preplacement Evaluation</u></p> <p>IDE has not fully ensured that all children with disabilities are provided a free appropriate public education that meets the standards of the SEA. IDE standards require public agencies to conduct a full and individual evaluation within 40 instructional days of the parents' consent to evaluate for eligibility for special education services.</p> <p>IDE's monitoring procedures provide for (1) verification that agency policies and procedures include the State's standard requiring that initial evaluations be conducted within 40 instructional days from receipt of the parent's consent and (2) a student record review to verify compliance with the 40 day standard. IDE identified deficiencies regarding this requirement in agencies C, E, F, and G when it last monitored those public agencies.</p> <p>OSEP reviewed documentation on initial evaluations and interviewed staff in agencies visited. These agencies provided documentation on initial evaluations completed during the 1993-94 and 1994-95 school years. That documentation showed delays in evaluations conducted by public agencies that ranged from 10 instructional days to as many as 390 instructional days (e.g., greater than two calendar years) in the following agencies:</p> <p>Agency B - 63 of 400 evaluations were overdue; Agency C - 166 of 377 evaluations were overdue; Agency E - 49 of 600 evaluations were overdue; Agency F - 161 of 806 evaluations were overdue; Agency G - 68 of 386 evaluations were overdue;</p> <p>Administrators and agency staff reported that delays were the result of a shortage of evaluation personnel.</p> <p>The administrator responsible for special education in Agency D reported that initial evaluations were overdue, but was unable to provide OSEP monitors the evaluation data/documentation used to make that determination.</p>	<p>IDE must demonstrate that its procedures have ensured that students suspected of having disabilities will have a full and individual evaluation completed within the State standard of 40 instructional days of the parents' consent to evaluate for eligibility for special education services and the case conference committee.</p>

FEDERAL REQUIREMENT	OSEP FINDING	EXPECTED RESULTS/ ACTION REQUIRED/ TIMELINES
<p>III. PROTECTION IN EVALUATION PROCEDURES: REEVALUATION §300.534</p> <p>(Each State educational agency and local educational agency shall ensure that an evaluation of the child based on procedures that meet the requirements of §300.532 is conducted every three years.)</p>	<p>IDE has not fully ensured that all children with disabilities are reevaluated every three years. IDE identified deficiencies regarding this requirement in agencies C, E, F, and G when it last monitored those public agencies.</p> <p>OSEP collected documentation from agencies B, C, D, E, F, and G on reevaluations conducted during the 1994-1995 school year. In interviews, administrators and agency personnel responsible for conducting these evaluations reported that the following delays were the result of staff shortages and the subsequent decision to give priority to initial evaluations over triennial reevaluations.</p> <p>Agency B - 180 of 579 evaluations overdue Agency E - 68 of 386 evaluations overdue Agency G - 340 of 380 evaluations overdue</p> <p>In agencies E and G, these reevaluations were, in some cases, more than a year overdue.</p> <p>The administrators responsible for special education in agencies C, D, and F reported that reevaluations were overdue, but were unable to provide OSEP monitors the reevaluation data/documentation used to make that determination.</p>	<p>IDE must demonstrate that its procedures have ensured that an evaluation of the child based on procedures that meet the requirements of §300.532 is conducted every three years.</p>

FEDERAL REQUIREMENT	OSEP FINDING	EXPECTED RESULTS/ ACTION REQUIRED/ TIMELINES
<p>IV. LEAST RESTRICTIVE ENVIRONMENT: NONACADEMIC SERVICES §300.553</p> <p>(IDE is responsible for ensuring that in providing or arranging for the provision of nonacademic and extracurricular activities and services, each public agency ensures that students with disabilities participate with nondisabled children in those activities and services to the maximum extent appropriate to the needs of the child.)</p>	<p>In student records reviewed for moderately mentally disabled students in separate classes in agencies B and C, and a separate program serving severely/profoundly disabled in agency E, OSEP found that participation in nonacademic and extracurricular activities with nondisabled children was not determined on an individual basis.</p> <p>The administrator responsible for special education and the students' teacher stated that participation in nonacademic and extracurricular activities did not occur and was not considered for severely/profoundly disabled students enrolled in the Agency E separate facility even though these students could benefit from participation in nonacademic and extracurricular activities with nondisabled peers. The administrator and the students' teacher could not provide a rationale for why participation in nonacademic and extracurricular activities with nondisabled peers was not considered.</p> <p>Administrators and the students' teachers in agencies B and C reported that the integration of moderately mentally disabled students with their nondisabled peers in nonacademic and extracurricular activities was not based on the individual needs of students, but on activities (e.g., assemblies) being available to the entire class of special education students as a group activity. The administrator further asserted that if students are receiving their educational program in their home school, integration should be happening.</p>	<p>IDE must demonstrate that its procedures have ensured that in providing or arranging for the provision of nonacademic and extracurricular activities and services, each public agency ensures that students with a disabilities participate with nondisabled children in those activities and services to the maximum extent appropriate to the needs of the child.</p>

FEDERAL REQUIREMENT	OSEP FINDING	EXPECTED RESULTS/ ACTION REQUIRED/ TIMELINES
<p>V. STATEMENT OF NEEDED TRANSITION SERVICES §300.345(b)(2) (IDE is responsible for ensuring that, if the IEP meeting includes the consideration of transition services, the notice to parents of IEP meetings must inform the parent that: (1) the purpose of the meeting includes consideration of transition services; and (2) the agency will invite the student, and a representative of another agency that is likely to be responsible for providing or paying for transition services.)</p>	<p>The IEP notices in the records of students 16 years and older in agencies B, C, D, and F, did not address the requirements of §300.345(b)(2), specifying that when the purpose of an IEP meeting is to include consideration of transition services for a student, the notice informs the parent of this purpose, that the agency will invite the student and a representative of any other agency that was identified as being likely to be responsible for providing or paying for transition services is invited to the meeting. Although it is the policy of some public agencies to provide the parents the option of including the student in these meetings, this policy does not eliminate the agency's obligation to invite the student and inform parents that the student will be invited.</p> <p>IDE identified deficiencies regarding this requirement in agencies B and C when it last monitored those public agencies.</p>	<p>IDE must demonstrate that its procedures have ensured that notice is provided that informs parents that the purpose of the IEP meeting will include the discussion of needed transition services, and that the notices provided by public agencies include an invitation to the student and a representative of the agency(ies) likely to be responsible for providing or paying for the transition services.</p>

FEDERAL REQUIREMENT	OSEP FINDING	EXPECTED RESULTS/ ACTION REQUIRED/ TIMELINES
<p>V. STATEMENT OF NEEDED TRANSITION SERVICES §300.344(b)</p> <p>(IDE is responsible for ensuring that each public agency, beginning no later than age 16 (and at a younger age, if determined appropriate), develops an IEP for each student which includes a statement of needed transition services as defined in §300.18 (§300.346(b)(1)). If the IEP team determines that services are not needed in one or more of the areas specified in §300.18(b)(2)(i) through (b)(2)(iii), the IEP must include a statement to that effect and the basis upon which the determination was made.)</p>	<p>OSEP found that the IEPs in students' records reviewed in agencies B, D, E, and F did not always contain statements of needed transition services or contained incomplete statements of needed transition services. IDE has developed, but has not disseminated, appropriate guidance relative to the inclusion of a statement of needed transition services. Of 19 records reviewed of students who were 16 years or older, OSEP found three IEPs that did not include a statement of needed transition services and 12 IEPs in which a statement of needed transition services did not address one or more areas specified in §300.18. In those instances where one or more of the content areas was omitted, the IEPs did not include a statement that the services were not needed and the basis upon which the determination was made.</p>	<p>IDE will demonstrate procedures that ensure that each public agency, beginning no later than age 16 (and at a younger age, if determined appropriate), develops an IEP for each student which includes a statement of needed transition services; and in those instance where one or more content areas are omitted, the IEP must include a statement to that effect and the basis upon which the determination was made.</p>



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

MAR 26 1996

Mr. Robert Marra
Director
Division of Special Education
Indiana Department of Education
Room 229, State House
Indianapolis, Indiana 46204-2798

Dear Mr. Marra:

This is in response to your February 26, 1996 letter transmitting the Indiana Department of Education's (IDE) response to the Office of Special Education Programs' (OSEP) 1995 on-site review of IDE's implementation of Part B of the Individuals with Disabilities Education Act. In accordance with the terms described in OSEP's February 6, 1996 Letter of Findings to Dr. Suellen Reed, you requested reconsideration of certain information in the Letter of Findings and provided additional data in support of this request.

We have carefully reviewed the Letter of Findings in light of your submission. This letter is notification of any amendments made to the Letter of Findings as a result of your response. The Enclosure to this letter is OSEP's analysis and reply to the clarifications addressed in your February 26, 1996 letter. OSEP will distribute this letter and the enclosure as an appendix to the Letter of Findings to individuals who request a copy. This appendix is an official part of the Letter of Findings and should be included with any distribution made by your office.

Thank you for your continued efforts on behalf of students with disabilities in Indiana. We look forward to working with you and members of your staff as we refine the corrective action plan.

Sincerely,

Thomas Hehir
Director
Office of Special Education
Programs

Enclosure

cc: Dr. Suellen Reed
Superintendent of Public Instruction

ENCLOSURE

**Analysis of IDE's Response to the
Office of Special Education Programs' 1995 On-site
Review of the Indiana Department of Education**

Comments. The Indiana Department of Education (IDE), Division of Special Education stated that it believed there was significantly inaccurate information contained on pages 8 and 9 of the Letter of Findings where agencies A through G are identified as being overdue in regard to timelines for initial evaluations and timelines for reevaluations.

OSEP Response. IDE submitted documentation from two agencies that resulted in a change in the numbers indicated on pages 8 and 9 of the Letter of Findings. Therefore the data is amended as follows:

Page 8 (Initial Evaluations)

Agency E - 30 of 600 evaluations overdue

Page 9 (Reevaluations)

Agency E - 44 of 567 evaluations overdue

Agency G - 12 of 380 evaluations overdue